

### **REMARKS**

Claims 1-3, 5, 6, and 9-11 are pending. Claims 9-11 have been amended. Claims 4, 7, and 8 are canceled. Claims 12-47 have been canceled because they are in non-elected restriction groups. Applicants expressly reserve the right to prosecute the canceled subject matter in other related applications.

### **Rejections Under 35 U.S.C. §112**

#### **Enablement**

The Examiner rejected claims 9-11 under 35 U.S.C. §112, first paragraph alleging that the specification, while being enabling for a composition of polypeptides of SEQ ID NO:2, allegedly does not reasonably provide enablement for all pharmaceutical compositions.

Applicants maintain that claims 9-11 are enabled as pharmaceutical compositions because the specification does teach how to use a zalpha11 Ligand pharmaceutical composition to treat a disease in an animal. Such teachings are found throughout the specification, for example, as provided in Example 51. To expedite prosecution, applicants have amended claims 9-11 to recite the Office's proposed claim language for compositions. With the amendment, the rejection has been obviated and applicants respectfully request the rejection be withdrawn and the claims allowed.

#### **Double Patenting**

The Examiner provisionally rejected claims 1-7 and 9-11 under 35 U.S.C. §101 as claiming the same invention as that of claims 1-7 and 9-11 of copending Application No. 11/551,807.

Applicants are enclosing a copy of a letter for Express Abandonment under 37 CFR §1.138 in US Patent Application No. 11/551,807. Abandonment of said application obviates the need for a Terminal Disclaimer in the present case and places the case in condition for allowance. Applicants respectfully request that the Examiner send a Notice of Allowance.

Conclusion

In light of the above amendments and remarks, reconsideration and withdrawal of the rejections are respectfully requested. It is, thus, respectfully requested that claims 1-3, 5, 6, and 9-11 are in condition for allowance and notification to that effect is respectfully requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6672.

Respectfully Submitted,



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